



Department of Energy
Washington, DC 20585

DEC 13 2002

The Honorable Gary Locke
Governor
P.O. Box 40002
Legislative Building
Olympia, Washington 98504-0002

Dear Governor Locke:

This letter documents agreements reached between the Department of Energy and the State of Washington during our December 13, 2002 meeting at which we discussed plans by the Department of Energy (DOE) to ship small quantities of transuranic (TRU) waste to the Hanford Site for temporary storage until the waste is sent to the Waste Isolation Pilot Plant (WIPP) for disposal. In that meeting, we also discussed the State of Washington's interest in ensuring the appropriate management, under the Hanford Tri-Party Agreement, of mixed TRU waste at the Hanford Site.

DOE appreciates the State of Washington's decision not to challenge DOE's planned shipments of TRU waste from the two sites in Ohio and California. As DOE has stated previously, these shipments, and the resulting temporary storage at Hanford, will comply fully with all applicable laws and regulations.

DOE, the State, and the Environmental Protection Agency (EPA) share an interest in establishing appropriate requirements for the management of mixed waste that will facilitate the expedited cleanup of the Hanford Site. To this end, DOE agrees to complete negotiations with the State and EPA, by March 1, 2003, of new requirements for the retrieval and characterization of certain waste that is suspected of being mixed waste, and the appropriate management of mixed waste once determined through characterization.

Our discussions would involve the inclusion of appropriate new milestones and the modification of existing milestones in the Tri-Party Agreement (TPA) through proposed modifications to the M-91 series of milestones. Notice of the discussions would be provided at the outset to affected Tribal Nations, the State of Oregon, stakeholder groups, and the public to learn their interests and concerns. DOE intends to ship two units of Hanford site TRU waste to WIPP for every unit received from off-site storage. The milestones would be designed to facilitate the fulfillment of that intention.

Our discussions would be completed by March 1, 2003 and would be incorporated in the form of a tentative agreement and proposed TPA change package. We also plan to complete public review and appropriate approvals of agreed upon TPA changes by April 30, 2003. Neither DOE nor the State intends to expand or provide additional regulatory



authority over waste beyond that already allowed under federal law and, to the extent applicable, state law.

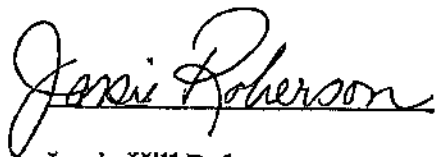
In return for DOE's commitments, the State agrees to forego litigation, at least until March 1, 2003, to stop planned DOE shipments described in the Record of Decision (ROD) issued on August 27, 2002. DOE agrees not to proceed with any future shipments, beyond those described in the August 27 ROD, prior to March 1, 2003 so that DOE, the State, and EPA may conclude the above discussions. The parties recognize that if there is third party litigation over any of the shipments the commitments made in this letter could be in jeopardy.

While the Hanford Solid Waste Environmental Impact Statement (HSWEIS) is not required for the shipments currently planned, the Department recognizes its importance to the State. The Department is committed to ensuring that the comments received on the draft HSWEIS are addressed appropriately. The Richland Operations Office will incorporate comments appropriately and re-issue the HSWEIS, again in draft, to allow for additional review and comment. Discussions with respect to the HSWEIS will continue to take place between DOE and the State.

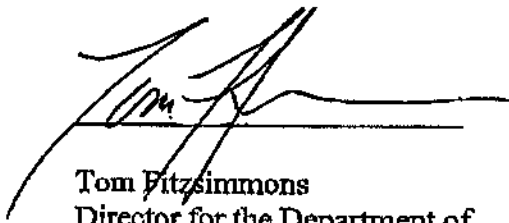
In addition to the commitments described above, DOE intends to pursue a collective dialogue with interested states consistent with recent discussions with the National Governors' Association Federal Facilities Task Force with the objective of developing better understanding and strategies to guide and facilitate accelerated disposition of stored TRU waste across the DOE complex.

Concurrent with this collective dialogue, Washington State will sponsor regular meetings with the Hanford Public Interest Network and other appropriate interested parties and tribes to ensure meaningful input into the collective dialogue.

Sincerely,



Jessie Hill Roberson
Assistant Secretary for
Environmental Management



Tom Fitzsimmons
Director for the Department of
Ecology/Washington